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Attorneys for Plaintiff
TIMOTHY GARDNER

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

TIMOTHY GARDNER, Plaintiff, vs. CITY OF BERKELEY, DAVID HODGKINS; DOUG HAMBLETON; ROY MEISNER; BOBBY MILLER, Defendants.	**NO. C10-03410 EMC** **STIPULATED DISMISSAL AND [PROPOSED] ORDER** Complaint Filed: June 25, 2010 Removed to Federal Court: Aug. 3, 2010

IT IS HEREBY STIPULATED by and between the parties to this action through their designated counsel that the above-captioned action be and hereby is dismissed without prejudice as to defendants DAVID HODGKINS and DOUG HAMBLETON, pursuant to FRCP 41(a)(1). Each party to bear its own attorney fees and costs.

IT IS SO STIPULATED.

Respectfully submitted,

BURNS, SCHALDENBRAND & RODRIGUEZ

DATED: November 10, 2011.

/s/
EDWARD W. BURNS
Attorneys for Plaintiff TIMOTHY GARDNER

ZACH COWAN, City Attorney
MARK J. ZEMBSCH, Deputy City Attorney

DATED: November 10, 2011.

/s/
Mark J. Zembsch
Attorneys for Defendants CITY OF BERKELEY and DAVID HODGKINS

THE FOREGOING STIPULATION IS APPROVED AND IS SO ORDERED.

DATE: ______________________

____
EDWARD M. CHEN
United States District Court Judge